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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,952	02/22/2002	David U. Shorter	BOC9-2001-0005 (240)	4489
40987	7590	05/29/2007		
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER SHINGLES, KRISTIE D	
			ART UNIT 2141	PAPER NUMBER
			MAIL DATE 05/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/081,952

Applicant(s)

SHORTER ET AL.

Examiner

Kristie D. Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10,11,13,14,16,17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10,11,13,14,16,17 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Per Applicant's Request for Continued Examination**

Claims 1, 4, 5, 8, 10, 11, 13, 14, 16, 17 and 19 have been amended.

Claims 3, 9, 12, 15 and 18 have been canceled.

Claims 1, 2, 4-8, 10, 11, 13, 14, 16, 17 and 19 are pending.

### **Continued Examination Under 37 CFR 1.114**

I. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/14/2007 has been entered.

### **Response to Arguments**

II. Applicant's arguments with respect to claims 1, 8, 11, 14 and 17 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 102**

III. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**IV. Claims 1, 2, 4, 8, 11, 14 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by *Rai et al* (USPN 7,203,761).**

a. **Per claims 11 and 17** (differs only by statutory subject matter), *Rai et al* teach in a message router, a method of routing data repository messages, said method comprising:

- receiving a data repository message from an originating computer system, said data repository message conforming to a first syntax and being received in a message router remotely located from the originating computer system (*Abstract, col.2 lines 3-10, col.5 lines 5-14*);
- determining a plurality of target computer systems to which said received data repository message is directed, said target computer systems each being remotely located from said originating computer system and said message router (*col.2 lines 3-15—router with processor unit determines foreign target network*);
- based on said determined plurality of target computer systems, identifying at least one syntax for particular ones of said plurality of target computer systems, wherein said at least one identified syntax and said first syntax are disparate (*col.2 lines 16-18, col.6 lines 12-35*);
- converting content in said received data repository message from said first syntax to said at least one syntax of said particular ones of said plurality of target computer systems, the conversion being effected by said message router and based upon syntax information contained in a translation library residing on said message router (*col.2 lines 3-18, col.5 lines 21-51—converting message content according to translation data in the router/processor's database*); and
- sending said received and converted data repository message to said particular ones of said plurality of target computer systems (*col.2 line 18*).

b. **Claims 1, 8 and 14** contain limitations that are substantially similar to claims 11 and 17, and are therefore rejected under the same basis.

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c. **Per claim 2**, *Rai et al* teach the message router of claim 1, further comprising: a communications processor configured to format said received data repository message according to a suitable communications protocol (*col.6 lines 31-38*).

d. **Per claim 4**, *Rai et al* teach the message router of claim 3, wherein particular ones of said computer systems include distributed database networks (*col.5 lines 23-41*).

### **Claim Rejections - 35 USC § 103**

V. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

VI. **Claims 5-7, 10, 13, 16 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Rai et al* (USPN 7,203,761) in view of *Symonds et al* (USPN 6,302,326).

a. **Per claim 13**, *Rai et al* teach the method of claim 11 as applied above. *Rai et al* teach the method of claim 11, wherein said data repository message includes at least one of a data structure reference, an attribute name reference, an attribute value, and a data repository operation, said converting step further comprising: translating said attribute name references using a reference processor and translating said attribute value using an attribute processor (*col.2 lines 12-18, col.5 lines 23-53, col.6 lines 48-50*). Yet, *Rai et al* fail to distinctly teach translating said data structure using a reference processor and translating said data repository operation using an operation processor. However, *Symonds et al* disclose the message gateway router comprising message processing programs for conversion including database structures and an

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operating system for processing the conversion/translation method (*col.3 line 45-col.4 line 15, col.6 line 22-53, col.8 lines 56-65, col.9 line 62-col.10 line 42, col.15 line 60-col.18 line 15 and col.20 lines 38-49*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Rai et al* and *Symonds et al* for the purpose of provision processors and/or processing steps for converting data structures, attributes and operations within the messages; because it would distribute the conversion duties among different processes for handling the various types of information in the messages.

b. **Claims 5-7, 10, 16 and 19** are substantially similar to claim 13 and are therefore rejected under the same basis.

#### Conclusion

**VII.** The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure: Barzegar et al (5,894,478), Peterson (6,950,437), Tsuruoka (6,101,189).

**VIII.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie D. Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristie D Shingles*  
*Examiner*  
*Art Unit 2141*

*kds*

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER